

Remarks

This Amendment is in response to the Office Action dated **June 6, 2007**.

Claims 1, 3, 4, 6-14, 16, 18-43 and 49 are pending in this application. The Office Action rejected claims 4 and 49 under 35 USC § 102 over Kliefoth (US 1968456); rejected claims 1, 3, 4, 6, 9, 16, 18 and 20 under 35 USC § 102 over Penner (US 5725519); objected to claims 7, 8, 10, 11, 19 and 21-24 as being dependent upon a rejected base claim but otherwise allowable; and indicated that claims 12-14 and 25-43 are allowed.

By this Amendment, claims 1, 4, 8-11 and 16 are amended and claims 6 and 7 are cancelled without prejudice or disclaimer. Applicants reserve the right to prosecute all cancelled subject matter in a subsequent patent application claiming priority to the immediate application. Reconsideration in view of the above amendments and the following remarks is respectfully requested.

Allowable Subject Matter

Applicants acknowledge the Office Action's indication of allowable subject matter in claims 7, 8, 10-14, 19 and 21-43. However, for the reasons set forth below, Applicants respectfully assert that all of the claims are directed to allowable subject matter and that the application is in condition for allowance.

Interview Summary

Applicants thank Examiner Cozart for the courtesies extended to Applicants' representative during the telephonic interview conducted on July 30, 2007. During the interview, the limitations of allowed claim 12 and rejected claim 16 were discussed. Applicants' representative suggested amending claim 16 to include the "crimping apparatus comprising at least three coupled, moveable blades" limitation as found in claim 12. The Examiner indicated that the amendment appears to overcome the rejection of record.

Applicants note that a similar amendment is made to claim 1 herein.

Claim Rejections

The Office Action rejected, under 35 USC § 102, claims 4 and 49 over Kliefoth

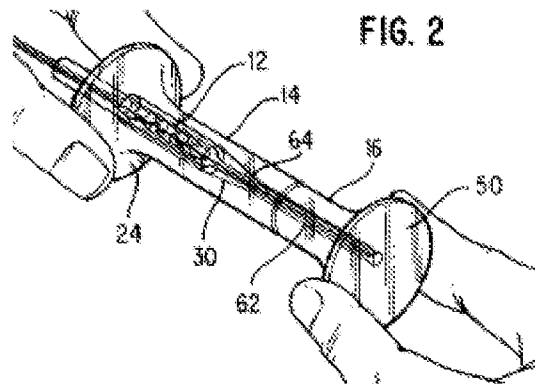
and claims 1, 3, 4, 6, 9, 16, 18 and 20 over Penner. These rejections are traversed for the same reasons as presented in earlier Responses; however, the pending independent claims are amended herein for the purpose of furthering prosecution and avoiding appeal.

Independent Claims 1 and 16

Independent claims 1 and 16 have each been amended, and each requires that the claimed “crimping apparatus” comprise “at least three coupled, movable blades which form an aperture whose size may be varied.”

The amendment to claim 16 was discussed in the telephonic interview noted herein, wherein the Examiner indicated that the amendment appeared to overcome the rejections of record. Applicants have made a similar amendment to claim 1.

Penner does not disclose or suggest a crimping apparatus having “at least three coupled, movable blades which form an aperture whose size may be varied.” The crimping action in Penner is performed by moving a stent through a fixed conical chamber that reduces in diameter. See e.g. Figure 2, provided below.



Therefore, Applicants assert that Penner does not disclose or suggest each and every limitation of claims 1 and 16. Claim 3 depends from claim 1 and claims 18 and 20 depend from claim 16. Each dependent claim is not anticipated by Penner for at least the reasons discussed with respect to independent claim from which it depends. Accordingly, Applicants request withdrawal of the rejection of claims 1, 3, 16, 18 and 20 over Penner.

Independent Claim 4

Independent claim 4 has been amended to include the limitations of claim 7, which

the Office Action objected to as being dependent upon a rejected base claim but otherwise allowable. Applicants note that claim 7 depended from claim 6; thus, claim 4 has been amended to include limitations from claims 6 and 7, and claims 6 and 7 are cancelled. Claims 8-11, each formerly dependent upon either claim 6 or 7, have been amended accordingly to depend from claim 4.

Claim 4 is now directed to the subject matter of former claim 7, which was indicated to be allowable. Rejected claim 6 has been cancelled. Rejected claims 9 and 49 depend from claim 4, and are allowable over Kliefoth and Penner for at least the reasons of claim 4. Therefore, Applicants request withdrawal of the rejection of claims 4 and 49 over Kliefoth and the rejection of claims 4, 6 and 9 over Penner.

Conclusion

Based on at least the foregoing amendments and remarks, Applicants respectfully submit this application is in condition for allowance. Favorable consideration and prompt allowance of claims 1, 3, 4, 8-14, 16, 18-43 and 49 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in better condition for allowance, the Examiner is invited to contact Applicants' undersigned representative at the telephone number listed below.

Respectfully submitted,

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